

**KITTERY MATERIALS RECOVERY FACILITY
RULES, REGULATIONS AND USER FEES**

A. The Kittery "Materials Recovery Facility" days and hours of operations shall be as follows:

Wednesday	9:00 a.m. to 5:00 p.m.	Closed Holidays
Saturday	9:00 a.m. to 5:00 p.m.	Closed Snow Days

B. Mandatory separation is required of waste material into the following groups as designated or directed by a facility attendant.

1. Motor vehicle batteries;
2. Waste oil;
3. Tires;
4. Landfill rubbish material, including, but not limited to furniture, toys, rugs insulation, fishnets, plastic items, siding, hoses, linoleum, porcelain plumbing fixtures, etc;
5. Ferrous metals including cast iron, steel, and light metals, but excluding appliances;
6. Household appliances including refrigerators, freezers, stoves, air conditioners, washing machines, microwave ovens, heat lamps, oil burners, dishwashers, hot water heaters, or any appliance that may contain a ballast or capacitor;
7. Non-ferrous metals including aluminum, brass copper, and lead;
8. Natural wood wastes including logs, limbs, brush, bark and wood chips;
9. Manufactured wood wastes including lumber, plywood, particle or chipboard, paneling, furniture, etc;
10. Wood and barbecue ashes;
11. Compost materials including leaves, grass clippings, herbaceous plants, sawdust;
12. Inert materials including cement blocks, bricks, rocks, asphalt, gravel, soil, etc.;
13. Asphalt shingles;
14. Wallboard or dry wall materials;
15. Mattresses including box springs and foundations; and
16. Universal & electronic waste.

The Kittery Department of Public Works wants to alert Kittery residents that the costs for disposing recoverable materials at the transfer station will increase effective July 1. The fees charged to residents for disposing of materials such as metal goods, batteries, tires, appliances and electronics, household hazardous waste, iron and aluminum have not changed in five years, yet the cost to the town to have them handled and hauled has steadily increased. The new fees, which will be in line with neighboring towns, will bring the Kittery's Solid Waste Facility closer to covering its costs through user fees rather than town taxes. These fee increases do not apply to disposal of regular household waste, recyclables, or compostable organic materials.

"No one wants to pay more to get rid of refrigerators, tires and the like", said Mary Ann Conroy, Commissioner of Public Works, "but it just makes sense to set fees at a level that reflect the true cost of disposing this kind of waste. There's a lot of work involved in stripping out recoverable materials from electronics, appliances and bulky waste. The people who dispose of these materials should pay the true cost rather than asking taxpayers to subsidize it." The price increases were recommended by the Kittery Solid Waste and Recycling Committee and were approved by Town Council on May 10, 2010.

For more information about the cost increases that will go into effect July 1, please visit the town's website at www.kittery.org. The new price list is also available at the Solid Waste Facility on MacKenzie Lane. Recoverable waste is accepted on Wednesdays and Saturdays from 9am to 5 pm.

Town of Kittery, ME

New Recycling Rates for 2010

Item Classification Description	Fee
White goods	
Refrigerator or Freezer	\$15.00
Air Conditioner	\$15.00
De-Humidifier	\$15.00
Stoves & Microwaves	\$5.00
Washers & Dryers	\$5.00
Dishwashers	\$5.00
Hot Water Tanks & Furnaces	\$5.00
Tires	
Motorcycle, bicycle, others small than automobile without rim	\$1.00
Motorcycle, bicycle, others small than automobile with rim	\$1.00
Car/Pickup Tires 16½" or less	\$3.00
Car/Pickup Tires > 17"	\$4.00
Car/Pickup Tires on Rims	\$6.00
Construction/Heavy Truck	\$25.00
Heavy Equip/Tractor Tires	\$60.00
Non-recoverable landfill, Rubbish	
Bags/Barrels	\$2.00
Bags w/ Household Trash & Recyclables	\$10.00
Small Trailer / Pickup (4'x6')	\$45.00
Full Size Trailer / Pickup (5'x6') (5'x8')	\$60.00
Shingles, One Square (3 Bundles, Covers 10x10)	\$10.00
Wood & barbecue ashes not to exceed 10 gallons	\$2.00
Non-recoverable landfill, Furnishings	
Mattress or Box Spring (each)	\$10.00
Sofa	\$10.00
Sleeper/Sectional	\$15.00
Stuffed Chair	\$5.00
Recliner	\$10.00
Wooden Chair	\$0.50
Bureau	\$5.00
Table	\$5.00
Headboard/Footboard (each)	\$1.00
Carpet (4x6)	\$5.00
Carpet (6x8)	\$8.00
Carpet (8x10)	\$10.00
Recoverable materials	
Less than 1/2 cubic yard	\$5.00
1/2 cubic yard to a maximum of 3 cubic yards	\$10.00
Ferrous metals	

Non-Ferrous metals	
Natural wood waste	
Manufactured wood waste	
Inert materials free of rubbish and suitable for use as fill	
Wallboard or drywall material	
Batteries	
Nickel	\$1.00
Lead Acid	\$1.00
Lithium	\$1.00
Motor vehicle batteries	\$1.00
Item Classification Description	Fee
Oil or latex paints, stains, solvents	
Gallon container	\$3.00
Quart container	\$1.00
Less than a quart	\$1.00
Motor oil & antifreeze	
One gallon	\$1.00
< one gallon	\$1.00
Waste oil (5 GAL MAXIMUM) / Gallon	\$1.00
Propane tanks	
20# (gas grill size)	\$2.00
Over 20#	\$20.00
Universal & electronic waste	
Monitors	\$5.00
CPU'S (Desktops & Towers)	\$2.00
Laptops & Notebooks	\$2.00
Copiers, Printers, Scanners & Fax Machines (each)	\$5.00
Floor Models (of above)	\$25.00
Keyboard, Mouse (each), Computer Speakers (pair)	\$1.00
TV - Up to 24"	\$10.00
TV - 25" & Larger	\$15.00
TV - Consoles & Cabinets	\$25.00
CD & DVD Players	\$2.00
VCR's & Tape Decks	\$2.00
Amplifiers & Pre-Amps	\$2.00
Receivers & Tuners	\$2.00
TV Tuners & Cable Boxes	\$2.00
Corded & Cordless Phones	\$2.00
Satellite Receivers & Dishes	\$2.00
Cabinet Speakers (each)	\$2.00
Turntables & Combo Units	\$2.00
Boom Boxes/Portable Radios	\$2.00
Other not listed	\$2.00
Fluorescent lamps	
< 4' straight lamps	\$1.00
4' straight lamps	\$1.00

8' straight lamps	\$1.00
U-tubes, compact, circlines	\$1.00
HHD, HPS, LPS, Merc Vapor	\$1.50
Metal Halide	\$1.50
Broken lamps	\$2.00
Shatter shield cover guard	\$1.50
Lamp ballasts (Removed)	
PCB ballast	\$3.00
Non-PCB ballast	\$1.00

Organic compost material free of other waste & emptied by user.....FREE

Title 8 HEALTH and SAFETY

Chapter 8.1 SOLID WASTE COLLECTION and DISPOSAL

Article I. General

8.1.1 General.

8.1.1.1 Purpose.

The Town recognizes that the adequate disposal of solid waste presents a problem to the municipality and that the Town has an obligation to provide a solid waste disposal facility for certain types of domestic and commercial waste generated within the Town. The purpose of this Chapter is to promote and protect the public health, safety and general welfare of the citizens of the Town by gaining management control over solid waste, enabling the reclamation of natural resources, including energy from solid waste, providing for a comprehensive, rational and effective means of controlling and regulating the collection, transportation and disposal of acceptable waste generated within the Town, and insuring the delivery of a steady supply of acceptable waste to the disposal facility designated herein.

8.1.1.2 Statutory Compliance.

Pursuant to this purpose, the Town will maintain compliance with all the laws of the State of Maine relating to the management of solid waste including "Maine Hazardous Waste, Septage and Solid Waste Management Act," SubChapters I and IA (38 M.R.S. §1301 *et seq.*); 38 M.R.S. §417 and 420; the Waste Discharge Law (38 M.R.S. §413); 38 M.R.S. §590-E; the Maine Refuse Disposal District Enabling Act (38 M.R.S. §1701 *et seq.*); and the Solid Waste Management and Recycling Law (38 M.R.S. §2101 *et seq.*).

8.1.1.3 Disposal Facility Designation.

In accordance with the provisions of 38 M.R.S. §1304-B, the Town designated disposal facility for compliance and purpose cited above is identified as Turnkey Landfill, Rochester, New Hampshire, operated by Waste Management Incorporated as manifested in a duly executed contract with the Town.

8.1.2 Definitions.

Solid waste words or terms not specifically defined in this section have the meanings ascribed to them in Chapter 400, Section 1 of the State of Maine Solid Waste Management Regulations as adopted and amended by the Board of Environmental Protection or in the absence thereof those meanings commonly accepted for the terms being used.

For purposes of this Chapter and for rules and regulations adopted by the Town Council the following terms have the following meanings unless the context indicates otherwise:

Acceptable waste means all those types defined in this section, including all ordinary household, municipal, institutional, commercial and industrial wastes with the exception of unacceptable materials as defined in this section.

Agency means the Maine Waste Management Agency.

Board means the Board of Environmental Protection.

Bulky material means an item occupying a space of one cubic yard or more and includes, but is not limited to, motor vehicles or portions thereof, trailers, floats, boats, tanks of two hundred (200) gallons or more, building sections, commercial equipment, camper tops, etc.

Collection facility means the building or area designated by the Council in which acceptable waste is deposited and temporarily stored for trans-shipment for disposal.

Commercial hauler means any person engaged in handling and hauling solid waste, with or without direct compensation, or as a tenant service provided by an owner or facility management, to five or more residents or businesses.

Compost material means leaves, grass clippings, herbaceous plants, separated food waste, and sawdust.

Department means the Maine Department of Environmental Protection.

Disposal means the discharge, deposit, dumping or placing of any solid waste into or on any land.

Disposal facility means the location as operated by the agency identified in a contract between the Town and a selected provider.

Ferrous metals means any iron-containing commodity categorized as #1 and #2 steel, cast iron, and light iron/white goods.

Freebie means any item, clean and in good repair, that may be accepted at the “Freebie Barn” for disposal by no cost transfer to any interested resident.

Garbage means all putrescible animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

Good Neighbor means a person with a valid solid waste facility decal who may transport acceptable waste to the solid waste facility for their own disposal and from no more than three other locations within Town.

Handle means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose.

Hazardous waste means a waste substance or material, in any physical state, designated as hazardous by the Board under 38 M.R.S. §1319-O, and contained in Section 3 of DEP 06-96, Chapter 850. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition. Such waste is that with inherent properties that make it dangerous to manage by ordinary means, including but not limited to, chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes and other wastes defined as hazardous by 38 M.R.S. §1301 et seq., the state of Maine or the Resource Conservation and Recovery Act of 1976, as amended, or other federal, state or local laws, regulations, orders or other actions promulgated or taken with respect thereto.

Household hazardous waste means any hazardous waste material excluded from identification as a hazardous waste by Maine Solid Waste Management Rules Chapter 850, section 3.A(4)(vii) including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused because it is generated by households.

Household waste means any waste material including rubbish, garbage, and trash derived from households (including single and multiple residences, hotels and motels, bunkhouses, picnic grounds, and day-use recreation areas.)

Landfill wastes means that portion of the waste stream that is not presently recovered and includes, but is not limited to, plaster, insulation, plastic items, vinyl siding, furniture, toys, porcelain plumbing fixtures, lobster traps, fish nets, linoleum, rugs, rubber hose, vines, thorn bushes, etc.

Litter means any refuse of any kind or any object or substance which tends to pollute, mar, deface or which tends to create a danger or nuisance to the public health, safety or welfare.

Mandatory recycling means the requirement that person(s) must separate recyclables from their trash as defined in this section.

Manufactured wood wastes are man-made wood products that were milled or composted from a wood base and are normally manufactured objects, demolition or construction waste.

Natural wood wastes means logs, limbs, brush, bark and woodchips.

Nonferrous metal means any metals devoid of iron content and generally categorized as copper, brass, aluminum or lead.

Public place means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, beaches, squares, spaces, grounds and buildings.

Recoverable wastes means the recovery of, or potential for future recovery of, materials or substances that have useful physical or chemical properties and can be reclaimed for reuse or recycled for the same or other purposes and includes, and is limited to, landfill wastes, compost materials, lead acid batteries, ferrous metals, nonferrous metals, tires, waste oil, manufactured wood wastes and natural wood waste, and inert fill.

Recovery facility means those areas of the solid waste facility apportioned to spaces used for the separation and temporary storage of resource recovery, reuse, and landfill disposal materials.

Recyclables means manufactured materials or residues that may be reused or reprocessed into similar or different use.

Recycling means the separating, collecting and/or reprocessing of manufactured materials or residues for reuse either in the same form or as part of a different product.

Resource recovery means the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

Reuse materials means items with potential life cycle remaining, including those that may require minor repair, cleaning etc., that facility attendants may allow to be set aside in a designated reuse set-aside section, with appropriate fee paid to the resource recovery facility, for removal and possession by any interested resident.

Rubbish means domestic or commercial solid wastes other than trash as defined in this section that is normally not generated on a day-to-day basis and may be in a mixed condition prior to recovery or handling and includes, and is limited to, landfill wastes, compost materials, lead acid batteries, ferrous metals, nonferrous metals, tires, waste oil, manufactured wood wastes and natural wood wastes.

Maine Solid Waste Management Rules means Chapters 400 through 419 inclusive that have been adopted by the Board of Environmental Protection and are in effect pursuant to the requirements of the Maine Administrative Procedure Act, 5 M.R.S. §8051 *et seq.*

Solid waste facility means the coordinated facility designed to handle acceptable solid waste with segregated sub-facilities for the transfer, recycling, resource recovery, or landfill of materials as appropriate, located on MacKenzie Lane.

Solid wastes means any acceptable discarded or unwanted solid organic or inorganic material with insufficient liquid content (excepting waste oil) to be free flowing and consists of garbage, trash, – rubbish; Freebie, recyclable, reuse, or recoverable materials; and landfill or universal waste, but does not include unacceptable wastes as defined in this section.

Special waste means any solid waste generated by sources other than household and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

1. Ash;
2. Industrial and industrial process waste;
3. Sludge and dewatered septage;
4. Debris from nonhazardous chemical spills and cleanup of those spills;
5. Contaminated soils and dredge materials;
6. Asbestos and asbestos-containing waste;
7. Sand blast grit and non-liquid paint waste;
8. High and low pH waste;
9. Spent filter media residue; and
10. Shredder residue.

Trash means that portion of domestic and commercial solid waste that is generated on a day-to-day basis and includes, but is not limited to, garbage; paper products, bags, magazines, cartons, newspaper, cardboard; cloth; ceramics, dishes, cups, ovenware; glass, bottles, light bulbs, window panes; aluminum cans, foils; pans; tin cans; plastic items, containers, jugs; and other similar materials.

Unacceptable materials are, by their physical or chemical properties, any solid, semi-solid, liquid or gaseous organic or inorganic material that exist in a toxic, hazardous or physical state that may create a danger or nuisance to the public health, safety and welfare and/or cannot be properly disposed of, handled or processed at the solid waste facility and include, but are not limited to:

1. Special waste, bulky materials, or wet waste, as defined in this section ;
2. Hazardous waste (excepting waste oil, and lead-acid batteries);
3. Stumps or logs greater than twelve (12) inches in diameter;
4. Dead animals or portions thereof or other pathological wastes;
5. Demolition or construction debris from building and roadway projects or locations;
6. Liquid wastes or sludge;
7. Abandoned or junk vehicles;
8. Water treatment residues;
9. Tannery sludge;
10. Recyclables and/or recoverable wastes mixed in with solid waste; and
11. Any waste as deemed unacceptable by a facility attendant under the terms of an Agreement for Waste Disposal between the Town and its contracted service provider.

Universal waste means any waste listed in section 3.A(13)(b) of Chapter 850, the Maine Hazardous Waste Management Rules, including but not limited to cathode ray tubes; mercury-containing lamps; mercury-containing thermostats; and totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballasts.

Waste means any of the categories of material to be disposed of as defined in this section.

Waste oil means a petroleum or synthetic-based oil which, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

Wet waste means water or snow that has percolated through and mixed with trash causing a waste leachate that adds weight to the trash and can contaminate the solid waste facility equipment and grounds.

Article II. Requirements

8.2.1 General Depositing Regulations.

8.2.1.1 Deposited Waste Origin Requirement.

No solid waste may be deposited at the solid waste facility, except that which is generated within the Town, or from any military installation, community or person(s) holding a contractual agreement with the Town.

8.2.1.2 Transportation.

All vehicles transporting any waste to be deposited at the solid waste facility must be duly identified as hereinafter provided. No person, while transporting waste or unacceptable materials along the streets or highways of Town, may permit or allow any portion of said material to be deposited on such street or highway. All loads are to be covered, secured or fastened to the conveying vehicle to prevent any material from falling or blowing off while in transit.

8.2.1.3 Time of Deposit.

Deposit of waste will be allowed only during the hours posted at the entrance to the solid waste facility. Depositing hours are as set from time to time by the Town Council to accommodate the needs of the Town. The solid waste facility will be closed on all holidays officially observed by the government of the Town.

8.2.1.4 Place of Deposit.

All deposits of waste at the solid waste facility are to be in areas designated by signs or as directed facility duty attendant.

8.2.1.5 Authority of Attendants.

A sufficient number of solid waste facility staff is to be appointed constables for the purpose of enforcing these rules and regulations. At all times one of on-duty staff must be one of the constables so appointed.

8.2.1.6 Removal of Items from the Solid Waste Facility.

No picking of the trash or rubbish within the solid waste facility is allowed. No one may remove any item from the property except from the Freebie Barn, or from the reuse set-aside section as authorized by an attendant, or by authorized haulers having a contractual agreement with the Town to remove or purchase certain recoverable materials.

8.2.1.7 Trespassing.

Use of, or presence within, the solid waste facility during other than posted hours without authorization is considered trespassing.

8.2.1.8 Unacceptable Materials.

Unacceptable materials as defined in this Chapter may not be disposed of at the solid waste facility.

8.2.2 Specific Rules and Regulations.

8.2.2.1 Resource Recovery.

The Town Manager may promulgate and revise as change in conditions warrant, specific rules and regulations known as the "Resource Recovery Facility Rules and Regulations" to govern the mandatory separation of recovered materials and/or landfilled wastes implementing this ordinance. Disposal of such waste is to be accompanied by a user fee contained in a schedule established by the Town Council, as may be revised from time to time (See Appendix A).

8.2.2.2 Recycling.

The Town Manager may adopt specific rules and regulations known as the "General Municipal Solid Waste and Recycling Rules and Regulations" to govern mandatory recycling and handling of municipal solid waste implementing this ordinance. Disposal of such waste is to be accompanied by a user fee contained in a schedule established by the Town Council, as may be revised from time to time (See Appendix A)

Article III. Deposit Permit

8.3.1 Kittery Permit Decal.

8.3.1.1 Required.

No person(s) may deposit any waste at the solid waste facility without first obtaining a permit as evidenced by a current decal properly affixed to a motor vehicle.

8.3.1.2 Application.

An application for a decal to the Town Clerk requires the name and Kittery address of the applicant, proof of residency or property ownership, the registration number of the vehicle upon which it will be used, and the signature of the applicant certifying that person has received a copy of, and will abide by the Specific Rules and Regulations for the resource recovery of rubbish, recycling of trash, and reduction of wet wastes.

8.3.1.3 Information to Appear on Decal.

Each decal is to bear the words "Kittery Solid Waste Facility" and the date of expiration.

8.3.1.4 Location of Decals.

Decals are to be affixed no higher than four inches from the bottom line of the driver's side of the windshield or door window.

8.3.1.5 Decal Issuance and Renewals.

Kittery decals are issued on a bi-annual basis to coincide with even-numbered years and may be renewed in November or December of the odd-numbered year prior to expiration with a one-month grace period allowed in January of the even-numbered year of renewal.

8.3.1.6 Records.

The original of the decal application, decal serial number, and signature of the applicant and the issuing Town employee are to be kept on record for two years.

8.3.1.7 Replacement.

A new decal must be obtained whenever one in use becomes defaced, lost, or whenever the user's motor vehicle registration number is changed. A fee as set out in Appendix A will be charged for a duplicate for the same motor vehicle registration, except there will be no charge when the applicant submits sufficient remnants of the old decal, or proof that the loss was not due to the applicant's negligence.

8.3.1.8 Fraud.

Any decal found to have been obtained by fraudulent means will be revoked, the motor vehicle registration plate number posted at the solid waste facility, and the person penalized as provided by Article VII of this Chapter.

8.3.1.9 Misuse of Permit Decal.

Any person found to be delivering to the solid waste facility any waste that originates outside the Town or violating any other provisions of this Chapter is subject to the penalties of Article VII of this Chapter .

8.3.2 Temporary Passes.

8.3.2.1 Required.

No person without a valid permit decal, engaged or employed to provide disposal service for a resident, business, or nonresident property owner's waste originated within the town, except as a "good neighbor", may deposit any waste at the solid waste facility without first obtaining a temporary pass.

8.3.2.2 Application.

An application for a temporary pass must show the name and address of the resident, business, or nonresident property owner for whom the work is being done; the name, address and telephone number of the hauler; the vehicle registration number; the type of material to be carried; the date(s) when the material is to be moved; satisfactory verification by the Kittery person(s) that the hauler is in fact authorized to perform the work contemplated; and the signatures of applicant and Town employee issuing said pass.

8.3.2.3 Information to Appear on Temporary Pass.

Temporary passes are to be a duplicate of the approved application bearing a serial number and wording to indicate that mandatory recycling and separation is required.

8.3.2.4 Temporary Pass Usage.

A temporary pass must be presented to the attendant at the solid waste facility prior to and each time that disposal has been approved. On completion of the work the pass is to be given to the attendant. The expiration date of a temporary pass may not be later than fourteen (14) days from the date of issue, except that a person(s) engaged or employed by a resident, business, or nonresident property owner may be given a pass for the longer period of time at the discretion of and with the approval of the Town Manager.

8.3.2.5 Records.

The original application for passes is to be kept on file at for one year.

8.3.2.6 Fraud - Any Temporary Pass.

Any person(s) found to be delivering to the solid waste facility any waste that originates outside the Town or in violation of any other provisions of this Chapter is subject to the penalties of Article VII of this Chapter.

Article IV. Commercial Disposal Service

8.4.1 Commercial Haulers.

8.4.1.1 License.

A. Application. Application for a commercial tipping license requires the name and business address of the hauler, the registration numbers of each vehicle to be used, a list of the business establishments to be serviced, the type of waste to be carried, street address and the number of housing units of multifamily dwellings, if any, to be served.

B. In addition, nonresident haulers doing business in other Towns must furnish a list of all said hauler's Kittery customers and an estimate of the quantity of waste to be delivered weekly to the solid waste facility.

C. Any additions to the list, or elimination of customers, or any change in the volume of waste exceeding ten (10) percent is to be reported in writing to the Town Manager within fourteen (14) days of said change.

D. The license must contain the name and business address of the hauler, and the registration number(s) of the vehicle(s) to be used. The license is to be stamped with the Town seal and contain a warning that said license may be revoked for any violation of this Chapter.

8.4.1.2 License Classes.

A. Any size, any materials, tipping outside, and with no cost to, the Town,

B. Household waste and recyclables, Large, tipping at the collection facility.
For haulers providing service to more than 25 residents or businesses.

C. Household waste and recyclables, Small, tipping at the collection facility.
For haulers providing all disposal services to 25 or fewer residents or businesses.

D. Landfill, reuse, and recoverable materials.
For haulers providing all disposal services to residents or businesses, delivering to the recovery facility, and paying user fees.

E. Solid waste facility combination, Large
For haulers providing service to more than 25 residents or businesses.

F. Solid waste facility combination, Small
For haulers providing service to 25 or fewer residents or businesses.

G. Business-generated bulk salable paper goods.
For baling facility direct drop, any size.

8.4.1.3 Fees.

The license fee schedule for commercial haulers is as set out in Appendix A.

8.4.1.4 Term of Issue.

Licenses must be renewed annually by January 31st.

8.4.1.5 Load Rejections.

Load(s) of solid waste containing any unacceptable materials as defined in this Chapter may be rejected by the attendant on duty. Further use of the facility may require that the commercial hauler present an acceptable plan making provisions for correcting any infractions.

8.4.1.6 Suspension of License.

Commercial haulers found to be delivering waste originating outside of the Town in violation of Section 8.4.1.1, or violating any other provision of this Chapter, will have their licenses suspended for one year.

Article V. Litter and Waste Oil

8.5.1 Owner to Maintain Premises Free of Litter.

Except as provided in Section 8.5.4, the owner or person in control of any private property must at all times maintain the premises free of litter. Provided, however, that this section does not prohibit the storage of litter in authorized private receptacles for collection.

8.5.2 Disposition of Litter or Waste Oil in Public Places.

No person may sweep, throw, deposit or scatter any litter or waste oil in or upon any street, sidewalk, park or other public place, or into any pond, stream or other body of water within the Town, except in public receptacles, in authorized private receptacles for collection, or at the solid waste facility at those times when it is open to receive litter.

8.5.3 Disposition of Litter or Waste Oil on Private Property.

No person may throw or cause to be thrown, maintain or allow to be maintained, deposit or cause to be deposited, store or allow to be stored, litter or waste oil on any occupied, open or vacant private property within the Town, including property used for the carrying on of a trade, business, or any other purpose, whether owned by such person or not, except that the owner or person in control of private property may maintain private receptacles for collection in such a manner that litter or waste oil will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

8.5.4 Exemption.

Section 8.5.3 does not apply to the depositing of litter on any private property by the owner or person in control of said property; provided that said litter is not within two hundred (200) feet of any public way; and provided that said litter is kept entirely screened at all times from ordinary view from any public way by natural objects, plantings, or fences; and provided that said litter does not pose an unreasonable risk of accident, fire, or threat to the health, safety and welfare of the Town.

Article VI. Regulated Activity

8.6.1 Scope.

This section regulates the accumulation, collection, transportation and disposal of acceptable waste as defined herein generated within the Town but excludes all waste of any nature generated by the Portsmouth Naval Shipyard. No waste generated outside the Town may be accepted at the solid waste facility nor transported to the disposal facility as Kittery-generated waste unless specifically authorized by the Town.

8.6.2 Authorized Solid Waste Facility Users.

The availability and use of the solid waste facility is limited to residents and property owners of the Town with a valid decal (see Section 8.3.1 *et seq*); those residents of other municipalities who may by express agreement of the Town be authorized to use the solid waste facility pursuant to this Chapter; and, to licensed commercial haulers transferring disposal material collected within the Town.

8.6.3 Non-commercial Haulage.

All acceptable waste generated and collected within the Town by other than commercial haulers may be deposited at the solid waste facility for transfer, as arranged by the Town, to the disposal facility.

8.6.4 Commercial Haulage.

All commercial haulers, except those licensed as “any size, any materials, tipping outside, and with no cost to, the town”, must deposit for disposal all hauler collected acceptable waste generated within the Town directly to the solid waste facility, unless directed otherwise by the Town. The Town will arrange transfer of all deposited materials to the designated disposal facility, or as otherwise arranged by the Town.

8.6.5 Property rights.

Any waste deposited within the solid waste facility becomes the property of the Town or disposal facility contractor pursuant to the terms of the agreement referred to herein. No one may salvage, remove or carry off any such deposited solid waste without prior approval (See Section 8.2.1.6) of the Town.

Article VII. Violation - Penalty.

8.7.1 Violations.

Violations of this Chapter, other than Article V, or of the specific rules and regulations, are punishable by:

- A. First offense, Town Manager issues a written notice of violation;
- B. Second offense, a one-hundred-dollar (\$100.00) fine is imposed;

C. Third offense, permit, pass, or license, is suspended from future use of the solid waste facility until restored by action of the Town Council.

8.7.2 Violations of Article V.

Violations of , Article V, are punishable by:

A. Litter - A fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). A subsequent offense by the same person is punishable by a fine of not more than five hundred dollars (\$500.00).

B. Waste oil - A fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). A subsequent offense by the same person is punishable by a fine of not more than five thousand dollars (\$5,000.00).

8.7.3 Separate Offenses.

Each day such violation is continued or permitted to continue constitutes a separate offense and is punishable as such hereunder.

8.7.4 Other Remedies.

In addition to all remedies provided by law for violation of this Chapter, the Town may institute appropriate equitable proceedings including injunctive relief for the abatement of any violation of this Chapter.

Chapter

Chapter 8.2 EMERGENCY MANAGEMENT AGENCY

8.2.1 Short Title.

8.2.2 Intent and Purpose.

8.2.3 Definitions.

8.2.4 Organization and Appointments.

8.2.5 Emergency Proclamation.

8.2.6 Emergency Powers and Duties.

8.2.6.1 Emergency Regulations.

8.2.6.2 Emergency Purchases.

8.2.6.3 Emergency Services.

8.2.7 Termination of Emergency.

8.2.8 Duties of the Director of the Emergency Management Agency.

8.2.9 Emergency Preparedness Plan.

8.2.10 Violation of Regulations.

8.2.11 Penalty.